

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

SANDY SMITH, JR. #544410

CIVIL ACTION NO. 16-cv-0121

VERSUS

JUDGE FOOTE

KEITH DEVILLE

MAGISTRATE JUDGE HORNSBY

**J U D G M E N T**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written response filed by Petitioner which is hereby construed as an objection, and concurring with the findings of the Magistrate Judge under the applicable law;

It is ordered that Petitioner's Petition for Writ of Habeas Corpus is DENIED.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 28<sup>th</sup> day  
of March, 2019.

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ELIZABETH E. FOOTE  
UNITED STATES DISTRICT JUDGE

